

NATIONAL COMPLIANCE ADVISORY PANEL

GUIDELINES

3/15/02 (revised)

PURPOSE

The National Compliance Advisory Panel (CAP) was created in 2001 to represent the interests of State CAPs as part of the state Section 507 Programs and also to provide a networking and communications tool between the programs and the U.S. Environmental Protection Agency's (EPA's) Small Business Ombudsman (SBO). The National CAP is supported by the EPA SBO. For reference, each state and territory is mandated to have a Compliance Advisory Panel (CAP) as outlined in Section 507 of the Clean Air Act (CAA) as amended in 1990.

National CAP members serve as a conduit for information to other CAPs in the region and act as a focal point of contact to disseminate information to and from the EPA SBO. The National CAP will advise the EPA SBO on small business issues and the workings of the Section 507 programs. The National CAP will review proposed and existing regulations as they affect small businesses; assure such regulations are written in understandable, clear, laymen's terms; assist states where CAPs don't exist or are weak; act as a unified voice to the federal legislature; assist each state or territory's CAP, Ombudsman and/or SBAP; and advise the Agency of the small business perspective on environmental issues.

MEMBERSHIP

Any small business CAP member of a Section 507 Program, as identified in the State Implementation Plan for that state, is eligible to serve on the National CAP. The National CAP will be comprised of regional representatives from each of the 10 EPA regions (from which the chairperson and vice-chairperson will be chosen), the SBO/SBAP Steering Committee Chairperson, and EPA representatives. The Steering Committee Chairperson and EPA representatives are an integral part of the National CAP and the network of small business providers and shall serve in an advisory capacity to the membership.

Chairperson

The Chair shall have served on the National CAP for at least two years in the capacity of Vice-Chair and have prior experience as a regional representative or alternate. This post requires at least a two-year commitment on the part of the individual involved to coordinate and set the agenda for the monthly conference calls, and represent the National CAP in different activities and capacities that may include: participating in congressional hearings, coordinating with the EPA SBO, serving as the National CAP representative on the SBO/SBAP Steering Committee, and acting as a liaison for the National CAP. Upon completing his/her term, the past Chair shall act in an advisory capacity for one-year. Should the Chair leave office during his/her designated term, the Vice-Chair shall assume office for the remainder of the term.

Vice-Chair

The regional representatives shall select the Vice-Chair for at least a two-year term. The Vice-Chair automatically rotates into the Chair position upon expiration of the Chair's term of office or should the Chair be unable to fulfill their term. The Vice-Chair shall provide support and backup for the Chair position as needed and serve as the National CAP representative on the SBO/SBAP Steering Committee. Should the Vice-Chair be unable to serve when the Chair position is vacated, for any reason, the regional representatives of the Steering Committee shall select the Chair.

Regional Representatives

There shall be 10 regional representatives elected or otherwise selected by the states in their region for two year terms and shall assume their duties at the annual EPA SBO/SBAP Conference. The same representative can be elected or chosen for more than one term. Regions should select a small business representative unless extenuating circumstances dictate otherwise. Should no CAP member be available, the SBO/SBAP Steering Committee Regional Representative can serve on the National CAP to represent the region.

The regional representatives support the 507 Programs and represent their respective regions on the National CAP by participating in quarterly conference calls (unless otherwise needed) and at semi-annual in-person meetings, disseminating information to the states in their region, and participating in decision-making initiatives affecting the state CAPs as a whole.

Ad Hoc Committees

The Chairperson may appoint ad hoc committees (not necessarily comprised of National CAP members) from time to time to perform tasks as directed by the National CAP. Such committees shall not have delegated decision-making authority.

EPA Representation

EPA representatives are an integral part of the National CAP and the network of small business assistance providers. The EPA SBO (or his/her designee) is an advisory member of the National CAP.

SBO/SBAP Steering Committee Representation

The SBO/SBAP Steering Committee Chairperson and Vice Chairperson (or his/her designee) are advisory members of the National CAP.

MEETINGS

Regular meeting schedules will be established annually. The Chairperson will approve changes to meeting times and dates. Members will be notified of any such change at least four weeks

before a meeting. Attendance at a duly called meeting by a majority of members will constitute a quorum. The Chairperson may recommend the removal of any member who sequentially misses two or more meetings of the full National CAP unless absence has been excused by member vote.

The National CAP will meet quarterly unless otherwise needed via conference calls and twice annually in-person at the SBO/SBAP National Conference and another meeting to be determined.

VOTING

The National CAP acts as a resource for EPA's Ombudsmans office. The members and officers represent their regional 507 Program CAPs and have a duty to work with the EPA Ombudsman's office. When it becomes necessary to vote to determine a majority or consensus, the following will be adhered to:

1. A vote will be taken by the National CAP to achieve consensus on an issue or topic that affects the 507 Program CAPs. When necessary, National CAP members shall poll their region and provide the thoughts and opinions of the region they represent. In the case where consensus cannot be reached, the Chair shall present the different views of the 507 Program CAPs in an unbiased manner, which may include polling the individual states.
2. Each regional representative on the National CAP shall have one vote. EPA and the SBO/SBAP Steering Committee Chairperson will be considered to be in ex-officio capacities and shall not have a vote unless the question to be voted on involves federal monies, such as the time and location of the SBO/SBAP Annual Conference, grant monies, etc.
3. In all situations, when the National CAP meets and it is determined a vote is necessary, the topic and question under consideration will be tabled until the next meeting thereby allowing time for the regional representatives to poll their individual state programs to determine the regional consensus. In such cases, the Chair shall endeavor to ensure that an unbiased statement of the issues is presented.
4. If there is a controversial issue or topic, the National CAP regional representatives will poll their states for individual positions. Regional representatives do not have the ability to unilaterally determine a regional consensus where a consensus vote on a controversial topic or issue could affect each State 507 Program CAP individually. While a regional consensus may be established on an issue, this does not preclude any individual state from having or taking a stand contrary to the issue at hand. Any individual vested state interest shall not be eclipsed by a National CAP consensus. In fact, National CAP members should consider impacts to the 507 Programs as a whole and may find themselves at times voting in opposition to a stand that their respective program or agency may take.